

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GREAT LAKES INSURANCE SE,)

Plaintiff,)

v.)

Case No. CIV-22-00702-JD

FREDY VALLE, doing business as)

Valle Trucking; SILVER STAR)

CONSTRUCTION COMPANY, INC.;)

TYLON MACKEY; and ZURICH)

AMERICAN INSURANCE)

COMPANY,)

Defendants,)

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ZURICH AMERICAN INSURANCE)

COMPANY,)

Counter Claimant,)

v.)

GREAT LAKES INSURANCE SE,)

Counter Defendant,)

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ZURICH AMERICAN INSURANCE)

COMPANY,)

Third-Party Plaintiff,)

v.)

PROGRESSIVE NORTHERN)

INSURANCE COMPANY,)

Third-Party Defendant.)

ORDER

Before the Court is the Joint Status Report Regarding Stay of Proceedings (“Report”). [Doc. No. 111]. The Report advises that on June 6, 2024, in the Payne County District Court suit styled as *Tylon Mackey v. Israel Juarez, ORD Trucking, Fredy N. Valle, Sr. d/b/a Valle Trucking, and Silver Star Construction Company, Inc.*, Case No. CJ-2020-233 (the “underlying suit”), the state court judge heard arguments on a motion for summary judgment (“MSJ”) filed by Silver Star and a motion for partial summary judgment filed by Israel Juarez and ORD Trucking, Inc. (“MPSJ”). Report at 2.

According to the Report, the journal entry has not yet been entered but the state court’s minute indicates that the summary judgment is sustained as to Silver Star. *Id.* at 3; *see also* [Doc. No. 111-1]. The parties take differing positions on the impact of the yet-to-be finalized judgment of the state court and whether there will be an appeal (and whether such an appeal is interlocutory requiring certification by the state court). Based upon its review of the Report, the Court finds that a short, additional temporary stay of this action may yield answers on some of the questions raised by counsel in the Report, which may inform this action.

Consequently, the Court extends the TEMPORARY STAY of this action until **Wednesday, July 31, 2024, at 11:59 p.m.** The Court ORDERS the parties to file, on or before **Monday, July 29, 2024**, a joint report with updates as to the status of the underlying suit. If the parties seek to extend the temporary stay beyond July 31, 2024, they should file a motion to extend the stay by **Monday July 29, 2024**, demonstrating

good cause and showing the progress in the underlying suit.¹ If the underlying suit is finally resolved before the stay expires, the parties are directed to advise the Court immediately. IT IS FURTHER ORDERED that the deadlines in the Court's Scheduling Order [Doc. No. 56] are stayed and will be reset upon the stay being lifted.

IT IS SO ORDERED this 13th day of June 2024.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

¹ The Court is not willing to allow an indefinite stay based on the underlying suit, which was filed in 2020. Thus, the parties should advance the underlying suit and be prepared to update this Court if they seek a further stay based on progress and developments in the underlying suit.